



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

DEC 23 2005

4APT-APB

Wayne Studyvin, Director
Jefferson County Department of Health
Environmental Health Services
P.O. Box 2648
Birmingham, Alabama 35202-2648

Dear Mr. Studyvin:

This correspondence is being sent to provide you with an official final copy of the Environmental Protection Agency (EPA) Region 4 report, which was completed as a result of the EPA Title V and New Source Review (NSR) program evaluation conducted on June 22 -23, 2005 (see Enclosure). The purpose of this program review was to evaluate the status and the ability of the Jefferson County Department of Health (JCDH) to carry out the duties and responsibilities required to effectively run the Title V and NSR programs, as well as find out how EPA can best assist the JCDH in meeting these commitments.

I would like to thank you and your staff for your cooperation throughout the evaluation. Your staff responded to the questionnaires and provided all requested material in a timely and professional manner. In addition, I commend you on the performance of both of these programs. Both programs are operating at a very high level of proficiency. These programs are important tools to implement measures protecting air quality for the citizens of Jefferson County, Alabama. We appreciate your efforts to ensure that Alabama has effective air programs. EPA Region 4 looks forward to continuing to work closely with JCDH to maintain high quality Title V and NSR programs.

If you or your staff have any questions regarding the report, please do not hesitate to contact Randy Terry of the EPA Region 4 staff at (404) 562-9032.

Sincerely,

Beverly A. Spagg
Acting Director
Air, Pesticides and Toxics
Management Division

Enclosure



Jefferson County Department of Health Title V and New Source Review Program Review

The U.S. Environmental Protection Agency (EPA) Region 4 committed to conduct detailed title V and New Source Review (NSR) program reviews for all state and local programs that have at least ten title V major sources within their jurisdiction. These evaluations also include a review of the title V fees collected and billed annually. This commitment results from an agreement between the EPA Office of Air and Radiation and the EPA Office of Inspector General, which required EPA to conduct title V program evaluations of all state and local programs. EPA Region 4 decided, in addition to title V, to use this opportunity, when applicable, to evaluate the NSR programs at each of the state and local programs. The program reviews are to be completed by the end of Fiscal Year 2006. The Jefferson County Department of Health (JCDH) program review was conducted the dates of June 22-23, 2005 in Birmingham, Alabama. Prior to arrival, EPA emailed a list of 10 title V sources to JCDH that EPA planned to review as part of the overall program review. Upon EPA's arrival at JCDH, EPA spent the first day reviewing the title V files and discussing the title V questionnaire with JCDH staff. The following day was allocated to completing the review of the permit files and conducting the NSR questionnaire. The following parties attended the title V questionnaire discussion: Randy Terry (EPA Region 4), Katy Forney (EPA Region 4), Gracy Danois (EPA Region 4), Corey Masuca (JCDH), and Mohammed Huda (JCDH).

Jefferson County Title V Program Review

1. Program Review

JCDH's organizational structure for air permitting resides at the office in Birmingham, Alabama. JCDH's title V permitting jurisdiction covers all of Jefferson County. The Alabama Department of Environmental Management (ADEM) operates the permitting agency that covers the remainder of Alabama with the exception of Jefferson County and the city of Huntsville, Alabama. A separate program evaluation report was written covering the ADEM title V program.

The headings in the title V portion of this report duplicate the headings in the title V program review questionnaire administered during the visit.

EPA appreciates Jefferson County's efforts to aid the evaluation process by providing an answered copy of the program review questionnaire prior to the meeting. For many questionnaire items, the answers provided by JCDH are more detailed than indicated in the summary discussion below. The answered questionnaire from JCDH will be on file at EPA Region 4 for reference.

A. Title V Permit Preparation and Content

JCDH has processed 100 percent of their initial title V applications. JCDH noted that 80 percent of the applications submitted by the sources during the initial round of title V permit issuance contained enough information for the permit to be created without requesting additional information. Since the vast majority of the initial applications received didn't require any additional information, JCDH was able to focus on processing the applications within the federal timeframes.

In instances where a significant amount of time has passed between application submittal and drafting a permit, JCDH requires that the application be updated and a new compliance certification be submitted. To ensure that a source is in compliance prior to permit issuance, JCDH reviews the source files, including legal and general correspondence. In cases where that facility is out of compliance, JCDH includes specific milestones and dates within the permits for returning the source back to compliance.

JCDH has provided additional training for their staff and encouraged more interaction among permit writers, compliance engineers (actually regulate the facilities), ADEM, EPA and facility representatives in an effort to improve the quality of permit writing. Additionally, JCDH routinely tracks permit applications and permit issuance to determine permit issuance timeliness and proficiency. In order to ensure a quality product, once the permit is drafted by the permit writers, it is reviewed for grammatical errors and technical proficiency by the compliance engineers. Next, it is reviewed by the supervisory engineer and finally the permits are reviewed by the program manager and signed by the Director.

JCDH has made specific efforts to streamline their permit issuance by grouping similar units and listing the requirements of only the most stringent applicable requirement. This effort reduces multiple, similar requirements on the same emission unit. Additionally, where feasible, specific sections are referenced by Federal Register citation or rule within the permit, instead of placing the entire contents of the requirements for applicable regulations within the permit.

JCDH prepares an engineering evaluation for each title V permit processed incorporating the requirements of 40 CFR part 70.7(a)(5). JCDH's engineering evaluation meets the requirements of each permit to contain a statement of basis (SOB). The engineering evaluation contains all the justifications for the permit conditions. In order to ensure consistency in developing the engineering evaluation, JCDH has provided on the job training to all permits writers detailing the necessary content of the engineering evaluation. JCDH works to ensure that each SOB explains, at a minimum, the rationale for monitoring as well as applicability decisions and any exemptions.

In discussing the overall strengths and weakness of the format of title V permits, JCDH believes that the requirement to contain all applicable regulations within the permit, thereby allowing the reviewer to quickly determine which regulations apply is a strength, and the weaknesses include the length of the permits of some of the larger sources and the inadequacy, in some cases, of capturing all emissions units.

B. General Permits

JCDH does not issue general permits.

C. Monitoring

In order to ensure that its operating permits contain adequate monitoring, during permit issuance, JCDH permit writers review guidance that details specific strategies for monitoring to make the conditions federally and practically enforceable. Additionally, JCDH's permit writers attend and participate in training on monitoring to ensure that they are aware of the latest monitoring developments. JCDH provides on the job training to all of their permit writers on monitoring, but they also attend EPA sponsored trainings when available. JCDH routinely adds monitoring for major sources, where not specifically required, to ensure verification of compliance with imposed limitations as allowed under sufficient and/or periodic monitoring EPA guidance. JCDH incorporates compliance assured monitoring (CAM) into its permits.

D. Public Participation and Affected State Review

As a local title V program, JCDH utilizes the "Birmingham News" newspaper, which is the newspaper in their area with the largest circulation, to give general public notice of title V permitting actions. The cost of publishing public notices in the newspaper has averaged \$350 and is paid for by JCDH. The title V sources within the JCDH area are required to pay an additional fee of \$250 to JCDH for any significant modifications that require reopening the permit. In order to help the public determine when the 60 day citizen petition clock begins,

JCDH has agreed to include language within all title V public notices referring the public to EPA Region 4's website.

JCDH has not conducted outreach to any specific communities beyond the traditional public notification process and believes that the general circulation method is the most cost effective way of providing notification to the general public of permit issuance.

Upon request, copies of any additional information relative to the permit action are sent at a charge of 25 cents per page. A base charge of five dollars for retrieval of the information is included in the bill and if JCDH is required to pull information from the archives, there is an additional charge of \$25. Persons requesting to see additional information relative to a permitting action such as the application, deviation reports, compliance certifications, etc., during the public comment period must submit a letter to the director requesting the files and indicating the reason for the request. Next, the compliance engineer contacts the subject facility and allows facility representatives 15 days to review the files for confidential/proprietary information. Afterwards, the requester is allowed to review the files. Once marked/identified by the requestor, the requestor is invoiced for file review and copying fees. After payment of fees, copies of the requested files are submitted to the requestor. JCDH has not received a request for any additional information during a comment period, but indicated that should they ever receive one, they would automatically extend the comment period for the length of time it takes for the facility representatives to complete the review of the files for CBI.

JCDH has never been requested by the public to extend the public comment period and has received public comments on approximately one percent of their permitting actions. With such a small sample size, JCDH has not noticed any trend in the types of comments received. JCDH works with the permittees prior to public notice in an effort to minimize permittee comments during the public notice period. On the occasions that JCDH receives permittee comments, they tend to vary. Some permittee comments focus on standard language in the general conditions and typographical/grammatical errors, while others focus on the adequacy of limitations or monitoring, testing, reporting, and recordkeeping requirements.

JCDH notifies all affected states of every public notice by email. There is no tribe close enough to JCDH to qualify as affected. JCDH has received comments from an affected state. Most of these comments refer to the applicability of a standard.

E. Permit Issuance/ Revision/ Renewal

JCDH has issued 100 percent of their initial title V permits. Although JCDH has been able to process title V revisions well within the time frames allotted by Part 70, they continually look for ways to further streamline the permit issuance process. One mechanism JCDH has implemented to streamline the permit issuance process is the use a permit tracking system to pinpoint the location of the permit as it moves through the system. A standardized computer data system is utilized to indicate receipt of application, status of applications, and permit issuance status, including public, ADEM and EPA review. Additionally, communication between permit writers, compliance engineers, clerical staff, EPA, ADEM and permitted facilities is highly encouraged.

JCDH has issued 10 renewal title V permits and is working to issue all of their renewal permits within the time allotted in part 70. However, they have discovered that the renewal process is no easier than the issuance of the initial permits. At the time of the program evaluation, JCDH had received 20 title V renewal applications and has found the vast majority of them to be timely. However, less than 50 percent of the applications submitted have contained all of the necessary information to adequately issue a permit. With the sources not submitting all of the necessary information in their initial submittal, JCDH has had to spend permitting staff time requesting additional information thus delaying the issuance process. In some cases, when the facility response to requests for additional information is less than timely, permit renewal issuance delays are common. JCDH believes that with the application of the new requirements such as periodic monitoring, sufficiency monitoring, compliance assurance monitoring, and MACT, the overall process of issuance of renewal permits has become more burdensome

F. Compliance

JCDH requires any deviations as specified in the permit conditions and/or required by applicable regulations to be reported prior to the semi-annual monitoring report. JCDH defines deviations as "an excursion or variance from an appropriate range." Deviations are not necessarily considered violations. Each deviation report must contain the probable cause of the deviation, corrective actions taken, and the magnitude and duration of the deviation. Following the receipt of a deviation report, JCDH reviews the report and evaluates a course of action on a case-by-case basis. JCDH reviews 100 percent of all deviation reports, semi-annual monitoring reports, and annual compliance certifications. Upon receipt of a semi-annual monitoring report or an annual compliance certification, JCDH reviews the report and determines if enforcement action for the identified violations should be pursued.

G. Resources and Internal Management Support

JCDH establishes its title V fee rate based on program costs and emissions volume. Their title V fee for 2004 was \$22.50 per ton. Title V revenue invoices are processed in the Environmental Health Services fee database which automatically posts to a separate fund within the Department's Financial Management System. This system allows for direct online inquiries and financial reports for management oversight. Title V expenses are assigned to a separate fund within the DFMS as well.

JCDH's accounting procedures allow for the individual tracking of both title V and non-title V activities by the completion of daily activity sheets by all affected personnel each week. Specific title V/non-title V activity hours are recorded and maintained within the air database. Employee time is automatically calculated and tracked by the department's payroll system. Supervisors and managers review and make allocation adjustments as necessary to ensure that time is posted to the appropriate funds. The process is accomplished by coding of activities on individual employee timesheets and by utilizing different funding codes to differentiate between title V and non-title V activities.

JCDH employs two permit engineers and four compliance engineers to handle permit construction, compliance, and enforcement. The two permit writers split their time between title V (0.4 FTE) and non-title V (0.6 FTE). At the time of the evaluation, JCDH was fully staffed and had experienced minimal turnover in the past few years. JCDH believes that providing competitive salaries, an enjoyable workplace and numerous benefits has contributed to a stable workforce. The average permit writing experience of the permit engineers is over 10 years. JCDH's practice is to hire their permit engineers from their pool of air pollution control engineers, thus ensuring that their permit engineers are familiar with compliance and enforcement issues and are able to create a permit that does not include permit conditions that are unenforceable.

JCDH has developed a career ladder for all of their permit engineers. For management positions in engineering, the acquisition of a Professional Engineer (PE) license is required, preceded by the acquisition of an Engineer-in-Training (EIT) certification. Engineering positions in order of ascending rank include: Air Pollution Control Engineer, Senior Air Pollution Control Engineer, Principal Air Pollution Control Engineer, Director of Environmental Health Services. All Positions except for Air Pollution Control Engineer require a PE. Additionally, all engineers and staff, including permit engineers, are afforded opportunities for EPA or designated environmental organizational training. Training courses include online courses, telecourses, classroom courses and self instructional courses.

Permit engineers are allowed the autonomy to correctly and expeditiously develop permits. Once the initial permit is developed, the permit engineers collaborate with compliance engineers for sufficiency. In addition, permit engineers are trained and fairly familiar with word processing packages to allow for quicker permit issuance. After collaboration between permit engineers and compliance engineers, supervisory and management staff review permits prior to draft and/or final issuance. Because they have such an experienced staff, JCDH only has staff meetings monthly, although they do have informal meetings on a more frequent basis. Management is kept abreast of permit issuance by direct online inquiry and monthly reports generated from the air database.

JCDH does not have an Environmental Justice (EJ) policy. Currently, JCDH does not consider EJ issues during the issuance of a permit. Demographics, cumulative effects and pre-existing burdens are not routinely evaluated as part of the permitting process. However, JCDH has an in-house coordinator charged with oversight of EJ-related activities. JCDH was open to the possibility of incorporating EJ activities in their daily operation. JCDH expressed interest in participating in EPA (and other sources) training to further their knowledge in environmental justice. EPA offered JCDH assistance with obtaining demographic information for their projects when needed. During the meeting, EPA also shared with JCDH the approach used by the State of Mississippi for identifying potential community concerns during permitting actions and committed to share a copy of the checklist with them for their education.

H. Title V Benefits

JCDH believes that they have gained significant benefits as a result of the title V program. JCDH believes that since they began to implement the title V program, the title V staff has gained a better understanding of the stationary source requirements in the State Implementation Plan and a better understanding of how to write enforceable permit terms. Other benefits of the title V program and the title V fee revenue include a better stationary source emission inventory and a stable funding source despite fluctuations in other state programs. Additionally, JCDH believes one of the major benefits of the title V program is the one stop document of the title V program. Having all source requirements in a single document makes it very user friendly for the facility and the inspection officer.

Recommended Improvements

1. EPA recommends that JCDH incorporate into their title V public notice information regarding the citizen petition deadline and direct the public to EPA's proposed permit website (www.epa.gov/region4/air/permits/alabama.htm). This will increase the public awareness about EPA's 45-day review deadline as well as the citizen petition deadline.
2. EPA recommends that JCDH waive the print charge for providing hard copies of the public notice, application, and draft permit to interested parties during the public comment period as title V fees are sufficient to cover this cost.
3. EPA recommends that JCDH consider providing more details in their public notice when reopening a permit. Failure to specifically cite which portion of the permit is being revised and thus reopened for comment may lead to comments on a portion of the permit, which is unchanged and has previously undergone public comment.

2. Permit Reviews

EPA conducted an administrative review of the files for 5 JCDH title V permits. The actual permits were not reviewed for content. The permit files selected included a cross section of permits across several industry sectors. EPA found that the files were not organized in a consistent format. The files contained the permit application, public notice, response to comments, and final permit. JCDH indicated that they do not maintain file copies of the draft and proposed permits. These documents are only maintained while the permit is being issued and once the issuance is completed, they do not believe that there is a need to keep those versions of the permit in the files. Also, JCDH indicated that a permit engineering evaluation was prepared for each permit issued, but only three of the files reviewed contained this document. While the permit engineering evaluations were not reviewed during review by the USEPA, these documents were located by JCDH staff and are available for review upon request. These permit evaluations meet the overall requirements of a SOB. EPA found that the permit evaluations were excellent tools that contained a detailed facility description and a thorough account of the applicable requirements, emissions estimates, and the compliance status of the facility. EPA considers this document to be among the best examples of a statement of basis in the region.

After conducting the permit reviews, EPA recommends JCDH implement the following improvements:

1. Develop a format to consistently organize the permit files,
2. Consider maintaining copies of draft and proposed permits. These can provide valuable information about on the evolution of the permit for reference in subsequent permitting actions or petitions, and
3. Add a section to the permit evaluation explaining the monitoring decisions included in the permit.

Jefferson County Department of Health New Source Review (NSR) Program Review

On June 22, 2005, the Region 4 office of the U.S. Environmental Protection Agency (EPA) conducted a review of the JCDH NSR permit program. The NSR program review consisted of administering a questionnaire developed for EPA's national NSR program review project. Region 4 has reviewed all of JCDH's major NSR permits in recent years; therefore, no major NSR permits were evaluated as part of the on-site review. Region 4 did review two minor source permits where it was determined by JCDH that NSR requirements did not apply.

The primary EPA staff person conducting the review was Katy Forney from Region 4's Air Permits Section. Other EPA representatives present during the review were Randy Terry and Gracy Danois. JCDH's primary participants were from JCDH's Air and Radiation Protection Division and consisted of Corey Masuca and Mohammed Huda. Dave Wootton, the division's Principal Air Pollution Control Engineer, was present at various times throughout the program evaluation.

JCDH has a SIP-approved NSR program with its own NSR rules. JCDH therefore has authority to issue both major and minor NSR permits. Jefferson County is currently classified as nonattainment for ozone and PM_{2.5}; the applicable major NSR permitting regulations are the regulations for prevention of significant deterioration (PSD) and the regulations for nonattainment areas. However, as stated again below, JCDH has not had to process any major nonattainment NSR permits in these nonattainment areas. Additionally, it has been approximately 5 years since JCDH has issued a major source PSD permit. The vast majority of permits issued by JCDH are for minor sources.

JCDH's organizational structure for air permitting resides in Birmingham with all major and minor NSR permits processed there. JCDH's NSR permitting jurisdiction covers all of Jefferson County, Alabama.

The headings in the following report duplicate the headings in the NSR program review questionnaire administered during the visit.

As an appreciated aid to EPA, JCDH provided a copy of the program review questionnaire annotated with JCDH's answers. For many questionnaire items, the answers provided by JCDH are more detailed than indicated in the summary discussion below. The answered questionnaire from JCDH will be on file at EPA Region 4 for reference if needed.

Common Program Requirements (PSD and Nonattainment NSR)

A. Netting

JCDH follows netting procedures that are generally consistent with EPA policy and guidance. When an application for a modification of an existing major source is received, JCDH reviews previous permit files and conducts an engineering evaluation to assess, for example, which past emissions reductions have already been relied upon for netting purposes.

B. Routine Maintenance, Repair and Replacement (RMRR)

JCDH is aware of the RMRR exemption available in the NSR regulations, but has not made any RMRR determinations in recent years. JCDH has agreed to consult with EPA if a source requests the use of the RMRR exemption.

C. Synthetic Minor Limits

While onsite, EPA reviewed two permits (Boral Bricks and El-Paso Energy) that included permit conditions allowing the sources to avoid NSR review. EPA found that the minor source permits contained practically enforceable permit conditions appropriate to the nature of the synthetic minor limits.

JCDH does not require modeling from minor source applicants and JCDH has not performed modeling for minor sources in recent years. EPA discussed with JCDH that minor sources still consume PSD increment and can cause or contribute to violations of the national ambient air quality standards (NAAQS).

JCDH tracks all permits, including minor source permits, in their permits tracking database. Compliance with the synthetic minor limits is tracked by periodic review of required records and reports as well as periodic inspections of the facilities.

D. Pollution Control Projects (PCP) Exemption

JCDH is aware of the previous PCP exemption available in the NSR regulations, but has not made any PCP determinations in recent years. On July 24, 2005, the U.S. Court of Appeal for the District of Columbia vacated the Federal PCP Exemption Rules and Policies. EPA advises JCDH to refrain from using the PCP exemption in the future. JCDH has agreed to consult with EPA if a source requests the use of the PCP exclusion.

E. Fugitive Emissions

JCDH's definition corresponds to the federal rule definition of fugitive emissions. Fugitive emissions are considered in NSR applicability assessments for both new sources and modifications of existing sources. JCDH would allow reductions in fugitive emissions to be

creditable in a netting analysis only if the fugitive emissions are verifiable and creditable through proven emissions estimation methodologies.

F. Modeling

JCDH follows the modeling procedures in 40 CFR Part 51, Appendix W. To date, JCDH has not required modeling of minor sources. Modeling of minor sources is discussed in more detail later in this report.

JCDH requests applicants to submit a modeling protocol for PSD permit applications. This protocol is provided to EPA and the Federal Land Manager for review. The most recent five years of Meteorological data is required to be used for modeling. JCDH utilizes State and JCDH source inventories and follows EPA guidance on identifying and eliminating emission sources from the inventory (*i.e.*, the 20 D rule). EPA reiterated to JCDH that the complete list of initial sources, any eliminated sources, and the reasons for elimination should be available to EPA and the public for comment during the permitting process.

If modeling demonstrates a violation of a national ambient air quality standard or a PSD increment, JCDH would work with the applicant to determine if parameters in the model could be changed and then reflected in the permit, if necessary.

Assessment of toxic air pollutants not regulated by NSR rules is conducted based on JCDH policy for such modeling.

G. Stationary Source Determinations

JCDH's definition for stationary source is the same as the federal definition included in the CFR, with the singular exception of including specific language that details "article, machine, equipment, device or other contrivance" that emit or may emit any air contaminant are also considered stationary sources. This definition has been reviewed by EPA and is approved into the ADEM state implementation plan (SIP).

When determining if emission units are contiguous or adjacent, JCDH staff follows the State of Alabama's Commission ruling and a State court ruling which says that this criterion means physically touching (or separated by no more than something like a roadway or rail line.) In accordance with these rulings, facilities that are physically separated cannot be considered part of the same source. EPA was uncertain whether JCDH was legally obligated to follow these rulings or if it was voluntary. EPA requests that JCDH clarify their reasoning behind their practice of defining contiguous and adjacent. JCDH agreed to consult with EPA whenever the issue arises, as they have previously done.

H. Debottlenecking and Increased Utilization

For NSR applicability purposes, JCDH follows EPA policy and guidance on inclusion of debottlenecking and increased utilization emissions. JCDH trains staff on these concepts as they relate to determining if a modification is major for NSR.

I. Relaxation of Limits Taken to Avoid Major NSR

JCDH is aware of the “relaxation” provisions in 40 CFR 52.21(r)(4), but has not had any sources subject to these provisions in recent years. JCDH has agreed to consult with EPA if a source triggers the “relaxation” provisions of 52.21(r)(4).

J. Circumvention/Aggregation Issues

Factors that JCDH uses to check for possible circumvention include the following: closeness of sequential projects in time, emission amounts, and affected units. In general, JCDH follows EPA policy and guidance with respect to identifying attempts at circumvention.

Prevention of Significant Deterioration (PSD)

A. Program Benefits Quantification

JCDH does not believe that the PSD program is an incentive for sources to reduce emissions below the major source levels nor do they believe it allows them to implement emission-reducing programs more quickly than rulemaking. JCDH believes that PSD permits have been used as the authority to implement other priorities and improve monitoring and reporting and have noticed communities utilizing the PSD program as a mechanism to improving air quality. Overall, JCDH believes that the PSD has contributed to sustaining good air quality.

B. Best Available Control Technology (BACT)

JCDH does mandate use of the top-down BACT evaluation procedure. JCDH views permit applications as part of the public record for major NSR permits. JCDH uses sources beyond the RACT/BACT/LAER Clearinghouse (RBLC), as appropriate. Additionally, they provide detailed BACT analyses (including cost) as part of their public record. JCDH considers combination of controls as well as regrouping of emission units during the BACT analysis. The permits contain federally enforceable conditions consistent with the basis and averaging time of the selected BACT options.

Further related to cost calculations, JCDH places primary reliance on total cost effectiveness in a BACT cost evaluation and uses a comparative approach (as opposed to a “bright line” test.) Although JCDH has not recently done a cost analysis independent of the applicant’s cost analysis, they would perform their own analysis if necessary. For projects involving multiple units emitting a pollutant subject to PSD review, JCDH would require small units to undergo BACT review.

JCDH understands that they should enter all BACT determinations into the RBLC, but have not yet done it for their most recent PSD permit. JCDH has agreed to enter the BACT determination soon.

C. Class I Area Protection for PSD Sources

In general, JCDH follows EPA policy and guidance with respect to Class I areas. JCDH either provides or ensures the applicant provides a copy of applications for projects to the federal land manager (FLM) of the affected area. There is generally a high level of communication between the applicants and the FLM. If a predicted Class I area increment violation were predicted, which has never happened, JCDH would conduct a case-by-case analysis to correct the problem.

D. Additional Impacts - Soils, Vegetation, Visibility, Growth

JCDH requires the applicant to submit adequate information in order to allow JCDH to perform an additional impact analysis. JCDH employs a variety of methods for determining additional impacts, including EPA guidance, Internet sources, and standard textbooks.

E. Pre-construction Monitoring

In general, JCDH follows EPA policy and guidance with respect to pre-construction monitoring, but has never required pre-construction monitoring. JCDH does not have any formal procedures in place for requiring pre-construction monitoring. Additionally, post-construction monitoring has never been required; however, post construction monitoring may be required by JCDH as a condition of a PSD permit in highly sensitive areas or where control techniques may be questionable.

F. Increment Tracking Procedures

JCDH has established both major and minor baseline dates for the County. JCDH tracks increment consumption through emissions increases and decreases associated with new sources and existing source modifications. Although JCDH does not maintain a database specifically for the purpose of tracking increment-consuming sources, they do maintain a database of all current permitted sources in the county (both major and minor sources), which includes emissions data.

JCDH does not perform modeling of increment consumption on a scheduled basis. Rather, increment consumption modeling is performed when needed for a new permit application.

As discussed above, JCDH maintains emissions inventories that are available to applicants for modeling purposes.

G. Endangered Species Act (ESA)

JCDH has a SIP-approved NSR permitting program. ESA requirements are not applicable.

Nonattainment NSR

Although Jefferson County is currently classified as nonattainment for ozone and PM_{2.5}, JCDH has never had to process a major NSR permit. Hence, even though the nonattainment NSR section of the questionnaire is applicable, JCDH has no experience in practice that can be cited in answer to the questions. JCDH's answers were necessarily in terms of expectations and not experience.

A. Program Benefits

JCDH believes that the nonattainment NSR program provides an incentive to reduce emissions. The agency has never had to issue a major NSR permit, as stated above.

B. NSR Offsets

JCDH does have an emissions offset bank and would have to approve proposed offsets on a case-by-case basis. Offset credits in the bank are valid for 60 months. JCDH has not had used the bank in recent years and it is EPA's understanding that there are currently no valid offset credits available.

C. LAER Determinations

JCDH has not yet had to issue a major nonattainment NSR permit and therefore has not yet had to apply specific LAER determination procedures.

D. Alternatives Analysis

JCDH has not yet had to issue a major nonattainment NSR permit and therefore has not yet had to apply specific procedures for an alternatives analysis.

E. Compliance of Other Major Sources in the State

JCDH has not yet had to issue a major nonattainment NSR permit and therefore has not had to invoke the requirement for applicants to certify compliance for other major sources owned by the applicant in the same state.

Minor NSR Programs

A. NAAQS/Increment Protection

Modeling of minor sources has not been required in the past. As mentioned above, EPA reiterated to JCDH that minor sources still consume PSD increment and can cause or contribute to violations of the national ambient air quality standards (NAAQS). As a follow-up to the onsite meeting, EPA participated in a conference call with JCDH's engineering and modeling staff on July 14, 2005. The majority of permitting actions in JCDH are for minor source permits and it has been more than five years since the last major PSD permit issued by JCDH. It is EPA's understanding that, for these reasons, JCDH may consider beginning periodic checks of the impact that minor sources have on the NAAQS and on PSD increment consumption in Jefferson County.

B. Control Requirements

JCDH's State Implementation Plan (SIP) does not require any level of control for emissions units not subject to major NSR requirements. From this comment, it is EPA's understanding that JCDH does not have any process weight limits, etc.

C. Tracking Synthetic Minor NSR Permits

JCDH does not maintain a specific list of synthetic minor NSR permits; however, such permits are listed in JCDH's overall permits tracking database (CDS).

Public Participation

A. Public Notification

JCDH provides public notice for major NSR permits, synthetic minor source permits, and Greenfield site assessments. Notifications are made by newspaper (Birmingham News). JCDH provides ADEM with a draft copy of the permits before going to public notice. JCDH does not currently post permit information or public notices on its website.

The initial public comment period can be extended upon request, but this has never been requested. JCDH can also extend the public comment period following a public hearing.

All public comments received are reviewed. If JCDH intends to issue a final permit that differs substantially (or is less stringent) from the original draft permit, a second draft permit may be issued with additional opportunity for public comment.

A public hearing will be held on a draft permit if JCDH receives a substantial number of valid comments on the draft permit. Notification of a public hearing is published in a newspaper and on a website at least 30 days in advance of the hearing.

B. Environmental Justice (EJ)

EJ considerations for Jefferson County projects are discussed in the title V program review section elsewhere in this report.

Program Staffing and Training Issues

As of the time of the review, JCDH had two full time engineers (not including administrative) who spend at least part of their time in the NSR program. Additionally, JCDH has one modeler and four compliance engineers. Employees attend training courses and workshops provided by EPA and ADEM as well as seminars presented by the Air & Waste Management Association and other professional organizations. JCDH expressed interest in attending any updated NSR Reform training and believe it would be highly beneficial to their permit writing.

General NSR Program Issues

JCDH evaluates use of emission factors (including AP-42 factors) based on their review of referenced sources of emissions factors and acceptability of stack test data (i.e., quality, quantity, and validity.)

During the preceding year, JCDH issued zero PSD construction permits. During the same period, JCDH issued 21 non-major permits. No nonattainment NSR permits were issued.

JCDH estimates that the average time to issue a PSD permit (from the time an application is deemed complete) is six to nine months.

JCDH has not required consideration of condensible particulate matter for NSR applicability assessments or for particulate matter compliance testing. JCDH requested that EPA provide written guidance concerning the inclusion of condensible PM for NSR applicability. EPA provided this guidance via email.

Effective Operating Permits

Based on EPA Region 4's experience in reviewing JCDH's recent PSD permit (Holcim), JCDH creates effective operating permits with appropriate permit conditions. EPA also commends JCDH for the engineering analysis reports that are included in the permit file for both major and minor NSR permits. Documentation of this type assists in creating an informative public record.

Suggested Improvements

Confirm that minor sources were included in the last cumulative impact done five years ago. Check on the amount of increment available during the last PSD permit action. EPA recommends periodic checks of minor sources on NAAQS and increment consumption, especially if minor sources were not included in the last PSD permit's modeling analysis.

JCDH has agreed to contact EPA if a request is received to make a determination regarding the RMRR or PCP exemptions allowed by the NSR regulations. Similarly, we recommend JCDH contact EPA if an existing permit holder triggers NSR relaxation described in 40 CFR 52.21(r)(4).

EPA recommends that JCDH include permitting information on their website, especially information regarding documents out for public comment. Providing information via the internet will increase the public's awareness of the permitting activities in Jefferson County and allow the public quicker and more efficient access to appropriate documents during public comment periods.

It is EPA's understanding that JCDH will enter the necessary information regarding their last PSD permit into the RBLC. Entering this information is required by the Sec. 105 Grant commitments.

Conclusion

At the conclusion of the onsite portion of the Title V and NSR program reviews, Region 4 personnel met with key JCDH officials to conduct an exit interview. During this exit interview Region 4 shared the findings of the review and laid out a timeframe for when the final report would be completed. Personnel in attendance from EPA Region 4 were Randy Terry, Katy Forney, Gracy Danois, and Gregg Worley. Kay Prince of EPA Region 4 participated in the exit interview via telephone. JCDH officials in attendance included Corey Masuca, Dave Wootton and Mohammed Huda (JCDH).

Overall, EPA believes that JCDH is operating both the title V and NSR programs at a high level of proficiency and looks forward to working with the JCDH in the future.

